

EXHIBIT B



Anthony Carter <acarter@tostrudlaw.com>

Subpoena Duces Tecum to Affiliated Foods, Inc. in No. 18-CV-1776 in the U.S. District Court for the District of Minnesota, In re Pork Antitrust Litigation

David Mullin <dmullin@mhba.com>

Mon, May 17, 2021 at 6:50 AM

To: "acarter@tostrudlaw.com" <acarter@tostrudlaw.com>

Cc: Johnny Merritt <JMerritt@legalstrategy.com>

Anthony,

I am counsel to Affiliated Foods, Inc. in connection with the subpoena duces tecum issued by your firm to Affiliated Foods. The subpoena duces tecum is defective under Federal Rule of Civil Procedure 45 in that it commands Affiliated Foods to produce documents in Washington, D.C., which is more than 100 miles from Amarillo.

Please let me know by close of business on Wednesday, May 19, if you will withdraw the subpoena duces tecum or we will have no choice but to file a motion to quash and for sanctions in the appropriate forum. I have attached the pertinent portions of Rule 45 for your consideration:

2) *For Other Discovery.* A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

Respectfully,

David Mullin
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